

REMARKS/ARGUMENTS

Applicant responds herein to the Final Office Action issued September 4, 2008.

Claims 1-9 are pending in the Application. Claims 1, 2 and 5-7 were rejected in the Office Action, Claims 3, 4, 8 and 9 were allowed.

Applicant thanks the Examiner for the courtesy extended to the Applicant's attorney during the telephone interview of November 17, 2008.

As discussed during the interview and as indicated in the Office Action, the Examiner believes that "using a distance sensor to control the active boundary layer control device" is not taught or suggested by the prior art. Therefore, Claim 1 is being amended to include the limitation of "using a distance sensor to detect a distance" between the leading vehicle and the following vehicle. As also discussed during the interview, Applicant believes that the amendment does not raise any substantive issues and does not require an additional search. Therefore, the present Amendment is being filed without a Request for Continued Examination. However, if the Examiner believes that an RCE is necessary, he is urged to contact the undersigned attorney.

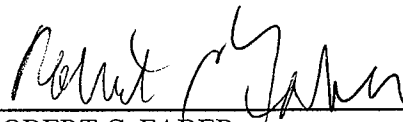
Claim 1, as amended, is allowable over the prior art of record. Claims 2 and 6-7 depend from Claim 1. Therefore, Claims 2 and 6-7 are allowable at least for the same reasons as Claim 1 and further on their own merits.

Claim 5 was rejected in the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant amended Claim 5 deleting the reference to Claim 4 and, instead, positively reciting all limitations of the allowed Claim 4. Claim 5 is now in compliance with 35 U.S.C. 112. Favorable reconsideration of the rejections and allowance of all pending claims are respectfully requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM ON **November 18, 2008**.

RCF/AV:db

Respectfully submitted,



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